

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Osahenrumwen Ojo

v.

Case No. 12-cv-204-SM

Hillsborough County Department

O R D E R

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated March 6, 2013, for the reasons set forth therein.

The motion to amend (doc. no. 19) is granted in part and denied in part, as specified in the March 2013 report and recommendation. The motion is granted: (a) to the extent that it seeks to amend the complaint to add the claims identified in the March 2013 report and recommendation as Claims A, B, D, and E; and (b) to the extent that HCDC Capt. FNU Cusson and HCDC Sgt. FNU Gordon are joined as defendants. The motion (doc. no. 19) is denied in all other respects. Claims C and F identified in the March 2013 report and recommendation are not added to this action, and Sgt. FNU Barnes is not joined as a defendant.


The clerk's office shall complete and issue summonses for the following defendants: HCDC Capt. FNU Cusson and HCDC Sgt. FNU Gordon, using the HCDC's address for service, 445 Willow St., Manchester, NH 03103. The clerk's office shall forward to the United States Marshal for the District of New Hampshire (the "U.S.

Marshal's office"): the summonses; the complaint (doc. no. 1); the report and recommendation issued September 25, 2012 (doc. no. 5); the October 2, 2012, Order (doc. no. 8); the Motion to Amend (doc. no. 19), including all exhibits thereto; the March 2013 report and recommendation; and this order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall serve process upon each individual defendant. See Fed. R. Civ. P. 4(c)(3) and 4(e).

Defendants HCDC, Balles, Barbera, Mercer, and Turcotte must file an answer or other response to the claims identified as Claims A, B, D, and E in the March 2013 report and recommendation, and to the factual allegations set forth in plaintiff's motion to amend and in his affidavit (doc. nos. 19 and 19-1), within twenty-one (21) days of the date of this order.

Defendants Gordon and Cusson are instructed to answer or otherwise plead in response to Claims A, B, D, and E, as identified in the March 2013 report and recommendation, and to the factual allegations set forth in plaintiff's motion to amend and in the affidavit attached as an exhibit thereto (doc. nos. 19 and 19-1), within twenty-one (21) days of service.

SO ORDERED.


Steven J. McAuliffe
U.S. District Judge

Date: March 12, 2013

cc: Osahenrumwen Ojo, pro se
John A. Curran, Esq.